

CHAPTER 27-03-05

PAYMENT OF BENEFITS TO INTERSTATE CLAIMANTS

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27-03-05-01. Application of chapter. This chapter governs the North Dakota unemployment compensation division in its administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-02. Definitions. As used in this chapter, unless the context clearly requires otherwise:

1. "Agent state" means any state in which an individual files a claim for benefits from another state.
2. "Benefits" means the compensation payable to an individual, with respect to the individual's unemployment, under the unemployment insurance law of any state.
3. "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits shall be payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.
4. "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the North Dakota unemployment compensation division finds that this exclusion would create undue hardship on such claimants in specified areas.
5. "Liable state" means any state against which an individual files, through another state, a claim for benefits.

6. "State" includes, in addition to the states of the United States of America, Puerto Rico, Virgin Islands, and the District of Columbia.
7. "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-03. Registration for work. Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state. Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-04. Benefit rights of interstate claimants.

1. If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

For the purposes of this chapter, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

2. The benefit rights of interstate claimants established by this chapter shall apply only with respect to new claims (notices of unemployment) filed on or after July 5, 1953.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-05. Claims for benefits.

1. Claims for benefits or waiting period shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type

of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

2. Claims shall be filed in accordance with agent state regulations for intrastate claims in local employment offices, or at an itinerant point, or by mail.
 - a. With respect to claims for weeks of unemployment in which individual was not working for the individual's regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.
 - b. With respect to weeks of unemployment during which an individual is attached to the individual's regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-06. Determination of claims. The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state. The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-07. Appellate procedure.

1. The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.
2. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15

27-03-05-08. Extension of interstate benefit payments to include claims taken in and for Canada. This chapter shall apply in all its provisions to claims taken in and for Canada.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-02-15